

REMARKS

Initially, in the Office Action dated March 26, 2004, the Examiner rejects claims 1-4, 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,704,053 (Santhanam) in view of PG PUB: 2003/0145314 A1 (Nguyen et al.). Claim 5 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

35 U.S.C. §103 Rejections

Claims 1-4, 6 and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,704,053 (Santhanam) in view of PG PUB: 2003/0145314 A1 (Nguyen et al.). Applicant respectfully traverses these rejections.

Applicant submits that Nguyen et al. is an improper §103 rejection in that the priority date of the present application predates the Nguyen et al. reference. The present application claims priority to JP 2001-299718, filed on September 28, 2001, as evidenced by the Letter Claiming Right Of Priority filed concurrently with the filing of this application. This priority document predates the Nguyen et al, reference which was filed on January 31, 2002. Thus, Nguyen cannot be used in a proper 35 U.S.C. §103(a) rejection of this application. Applicant attaches to this response a sworn translation of the priority application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Allowable Subject Matter

Applicant thanks the Examiner for the indication that claim 5 would be allowable if rewritten in independent form.

In view of the foregoing remarks, Applicant submits that claims 1-7 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 520.41151X00).

Respectfully submitted,

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Attachment:
Sworn Translation of Priority Document